

## **Statewide Ecological Extinction Task Force**

**Thursday, November 2<sup>nd</sup>, 2017**

**1:00 p.m. – 3:15 p.m.**

**Senate Hearing Room, Legislative Hall**

### **Meeting Attendance**

#### **Task Force Members:**

##### **Present:**

Senator Hansen  
Senator Richardson  
Representative Gray  
Douglas Tallamy\*  
Katherine Holtz  
Maria Evans\*\*  
Matthew Sarver  
Robert Thornton  
Susan Barton  
James White  
Michael Petit De Mange\*\*\*  
Michael Costello  
Sarah Cooksey  
Faith Kuehn  
Kathy Stiller

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Faith.Kuehn@state.de.us  
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*\*Represented by Ashley Kennedy*

*\*\* Represented by Audrey*

*\*\*\*Represented by Chris Connelly*

##### **Absent:**

Representative Heffernan  
Joseph Rogerson  
Chris Bason  
Tracy Surles

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**Staff:**

Jennifer Parrish, Legislative Assistant

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**Attendees:**

Dave Carey

Shauna Thompson

Howard Fortunato

Greg DeCowsky

Amy Highland

**Organization:**

Pemberton Branch

Pemberton Branch

Home Builders Association DE

DNREC (Retired)

Mount Cuba Nature Center

**The Task Force meeting was brought to order at 1:00 p.m.**

Senator Hansen brought the meeting to order. The Task Force reviewed and approved the minutes from the last meeting.

Senator Hansen reminded Task Force members that the amended Education recommendations were circulated by email, and noted that there were no absentee votes, but they were not necessary as the Task Force had met the quorum at the last meeting. She noted that the next topic of discussion would be the “Incentivizing Private Landowners” recommendations.

Senator Hansen noted that Susan Barton was published in the Nov. 2<sup>nd</sup> issue of the *Delaware News Journal*. Dr. Barton’s article encourages converting lawn into meadow and incorporates many of the themes discussed on this Task Force.

Senator Hansen guided the discussion to the first recommendation. Matthew Sarver (Delmarva Ornithological Society) suggested adding “restoration” and “and their habitats” to broaden the language, such that it reads “***Overarching Statement: Incentives should be created to encourage the planting, restoration, and management of native species and their habitat.***” Susan Barton (Delaware Landscape and Nursery Association) made a point that it is important to make the recommendations simple, clear, and concise. She added that the Task Force should carefully distinguish between the two separate issues, the first being the need to plant more native species and the second being to control invasive species. Faith Kuehn (Department of Agriculture Division of Plant Industries) added that the Task Force needs to establish clear definitions and realistic goals. The motion to approve this recommendation passed with all in favor.

During discussion of the second recommendation, Susan Barton said that the original wording conflated the two aforementioned issues that should be kept separate. Senator Hansen suggested dividing the recommendation into two parts, one for each issue, so that it reads “***Overarching Statement: (A) Incentives should be created to encourage the removal of invasive species and***

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Minutes prepared by Jennifer Parrish, Legislative Assistant & Ashley Kennedy, Task Force Assistant

*their replacement with native species. (B) Incentives should be created to replace non-native species with native species.”* The motion to approve this recommendation passed with all in favor.

Senator Hansen brought up the point that not all of these recommendations can be implemented legislatively. She suggested that the Task Force consider the creation of a new commission or an alternative method by which these recommendations could be implemented. Faith Kuehn mentioned that the Invasive Species Council may be a vehicle to address some of these issues, but it would need to be strengthened. Matthew Sarver added that another existing organization that addresses some of these topics is the Mid-Atlantic Invasive Plant Council, for which he serves as the Delaware representative.

Several Task Force members suggested that the overall number of recommendations could be reduced. After discussion of the third recommendation, the Task Force ultimately moved to strike it, and the motion passed with all in favor. This recommendation entailed increasing consumer demand for pollinator-friendly plants; Susan Barton made the point that this was already partly addressed under the Education recommendations, and that if the sale of the most commonly sold five or six invasive species is curtailed, then consumer demand for native species will increase as a natural result.

During discussion of the fourth recommendation, Faith Kuehn mentioned that the topics it addressed were already covered in other recommendations. Robert Thornton (Home Builders Association) mentioned that he liked the wording and felt like it would go over well. Ashley Kennedy (University of Delaware) suggested that the wording could be interpreted such that property owners would not have to comply with existing or future legislation on this topic. The motion to remove this recommendation also passed with all in favor.

Senator Hansen guided the discussion to the fifth recommendation. Susan Barton suggested adding “Sustainable Sites” to the list of examples of landscape design practices because it is more pertinent to the topic of sustainability than the others listed. Representative Gray suggested removing “reduction of impact fees, building permit fees” because we would need a mechanism to make up for the loss of those funds. Matthew Sarver made a point that we don’t want to come across as endorsing specific programs. Robert Thornton suggested reordering the examples to reflect their pertinence to sustainability. The resulting recommendation reads as follows: *“**Method of Incentivizing:** Establish incentives such as expedited permitting and density bonuses for environmentally sensitive landscape design practices such as those included in Sustainable Sites, the National Green Building Standard, Energy Star, Leadership in Energy and Environmental Design (LEED) certification, or green technology best management practices.”* The motion to approve this recommendation passed with all in favor.

The sixth recommendation was originally listed under the heading “Method of Incentivizing”. Matthew Sarver suggested changing the heading to “Overarching Statement” such that it reads “***Overarching Statement:** Incentivizing can take many forms and may include such things as monetary incentives, public recognition, and ease of permitting or other governmental approvals.*” The motion to approve this recommendation passed with all in favor.

During discussion of the seventh recommendation, which concerned tax incentives for agricultural lands, Susan Barton posed the question of why agricultural land was singled out. Representative Gray pointed out that there would likely be pushback if we try to pass legislation to give tax breaks. The motion to remove this recommendation passed with all in favor.

Katherine Holtz (Delaware Farm Bureau) said that she was against the eighth recommendation, which concerned amending the Farmland Assessment Act, and added that there would likely be a lot of opposition to it. The motion to remove this recommendation passed with all in favor.

Senator Hansen guided the discussion to the ninth recommendation, which concerned creating programs to incentivize homeowners to implement habitat management. Matthew Sarver and Representative Gray suggested that this topic had been sufficiently addressed by earlier recommendations. The motion to remove this recommendation passed with all in favor.

During discussion of the tenth recommendation, Michael Costello (Sussex County) voiced a concern that it could slow projects down at the county level. Representative Gray inquired about the checks and balances on DNREC; Matthew Sarver replied that it is essentially the same as exists in every state. Representative Gray suggested that the wording was too broad, so “PLUS” was added to the text to make it more specific, such that it reads “*Incentivize land development applicants to incorporate DNREC’s PLUS recommendations regarding specific potential impacts to state rare and federally listed species and their habitats into their development plans.*” The motion to approve this recommendation passed with all in favor.

Susan Barton suggested changing the wording of the eleventh recommendation to make it more feasible, such that it reads “*Create incentives for reducing lawn area and replacing it with native plants.*” The motion to approve this recommendation passed with all in favor.

Susan Barton suggested that the twelfth recommendation, which concerned creating incentives for using plants that best support food webs, was redundant. The motion to remove this recommendation passed with all in favor.

Matthew Sarver suggested changing the wording of the thirteenth recommendation such that it reads “*Encourage the incorporation of pollinator and other insect habitat into incentive programs.*” James White (Delaware Nature Society) agreed that this wording helped to highlight the importance of pollinators while eliminating uncertainty about the status of pollinator species as generalists versus specialists. The motion to approve this recommendation passed with all in favor.

Senator Hansen guided the discussion to the fourteenth recommendation. Robert Thornton suggested removing the word “new” before “home buyers”, and removing the word “financial” before “incentives”, such that it reads “*Provide incentives for home buyers with native landscaping such as the Green4Green program.*” The motion to approve this recommendation passed with all in favor.

The fifteenth recommendation reads “*Seek funding to cost share native habitat improvements on private lands.*” Susan Barton inquired why this recommendation specifies private lands. Matthew Sarver said that this is a key point because there isn’t any existing mechanism to help private landowners make these kinds of changes. Representative Gray inquired where the funding would come from; Senator Hansen replied that this recommendation is not intended to answer that question, but simply recommends that funding should be sought. Kathy Stiller (Delaware State Chamber of Commerce) voted against this recommendation; all other Task Force members present voted in favor and the motion to approve passed.

During discussion of the sixteenth recommendation, Susan Barton raised the question of whether we should specify “healthy” trees. Matthew Sarver clarified that the intent of this recommendation is to support trees of high value to wildlife. Amy Highland (Mount Cuba Center) brought up Bill McAvoy’s tool for assessing old growth trees. Senator Hansen and Faith Kuehn suggested rewording it such that it reads “*Incentivize homeowners and developers to retain tree species of high wildlife value (e.g. oaks, hickories).*” The motion to approve this recommendation passed with all in favor.

Senator Hansen guided the discussion to the seventeenth recommendation, which concerned the Transfer Development Rights (TDR) program. She suggested that this is more of a county issue. The motion to remove this recommendation passed with all in favor.

The motion to remove the eighteenth recommendation, which concerned ranking properties for county agricultural land preservation funding, passed with all in favor.

During discussion of the nineteenth recommendation, Matthew Sarver provided background information for the Forestland Preservation easement program, mentioning that it has historically

been drastically underfunded. Senator Hansen suggested rewording it such that it reads “*Encourage the funding of the Forestland Preservation easement program.*” Kathy Stiller voted against this recommendation; all other Task Force members present voted in favor and the motion to approve passed.

The discussion moved to the twentieth recommendation, which concerns providing incentives to targeted species via the Natural Resources Conservation Service programs. Matthew Sarver suggested rewording it to broaden the language and include mention of the Farm Service Agency, such that it reads “*Explore opportunities to provide state-level add-on incentives and best management practices to targeted species via NRCS and FSA programs.*” Senator Richardson voted against this recommendation; all other Task Force members present voted in favor and the motion to approve passed.

The twenty-first recommendation concerned providing technical support for species management. The motion to remove this recommendation passed with all in favor.

During discussion of the twenty-second recommendation, Kathy Stiller suggested clarifying the level of government in question, and Ashley Kennedy suggested adding “Explore opportunities to provide” at the beginning to broaden the language, such that it reads “*Explore opportunities to provide state income tax exemptions for state or federal conservation incentive payments.*” The motion to approve this recommendation passed with all in favor.

Senator Hansen guided the discussion to the twenty-third recommendation. Matthew Sarver suggested changing the wording such that it reads “*Encourage tax ditch associations to implement BMPs that minimize impacts to key habitats.*” The motion to approve this recommendation passed with all in favor.

Matthew Sarver suggested changing the wording of the twenty-fourth recommendation such that it reads “*Encourage the development of and/or marketing of biodiversity certification programs for private forestland and farmland.*” The motion to approve this recommendation passed with all in favor.

The twenty-fifth recommendation concerned working with conservation partners and other parties to create certification for environmentally-friendly developments. The motion to remove this recommendation passed with all in favor.

During discussion of the twenty-sixth recommendation, James White said that the Backyard Wildlife Habitat Certification program is a great program, and added that it is unclear what specific actions are needed to advance it. Senator Hansen suggested rewording it such that it

reads “*Encourage enrollment in the Backyard Wildlife Habitat Certification Program.*” The motion to approve this recommendation passed with all in favor.

The twenty-seventh recommendation concerned working with the Department of Agriculture and other entities to develop BMPs that minimize impacts to key habitats. Matthew Sarver suggested that this topic was adequately addressed in the twentieth recommendation. The motion to remove this recommendation passed with all in favor.

The twenty-eighth recommendation reads “*Increase access to prescribed fire as a management tool.*” The motion to approve this recommendation passed with all in favor.

Matthew Sarver suggested adding a twenty-ninth recommendation, “*Encourage support of the Landowner Incentives Program.*” He explained that this is a state program that is traditionally funded by federal State Wildlife Grant funds. The motion to approve this recommendation passed with all in favor.

Senator Hansen reminded Task Force members that the next meeting is set for 1 p.m. on Thursday, November 16<sup>th</sup>, and the final meeting for 1 p.m. on Tuesday, November 28<sup>th</sup>. She commented that there is still a great deal of material to cover and suggested either adding another meeting to the schedule, or holding a “marathon session” at the next meeting. The Task Force agreed that holding a lengthier session on the November 16<sup>th</sup> meeting would be preferable. Senator Hansen reminded Task Force members that absentee voting is an option to accommodate members who cannot make it to the remaining meetings.

**The meeting was adjourned at 3:15 p.m.**